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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,793	06/11/1999	FRANKLIN E. BOYER	UV-72	9836

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NEW YORK, NY 100201104

EXAMINER
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BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/330,793

Applicant(s)

BOYER ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 151-154, 156-159, 161-164 and 202-205 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 151-154, 156-159, 161-164, 202-205 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 151-154, 156-159, 161-164 & 202-205 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, (U.S. Pat # 5,986,650), in view of Maissel, (U.S. PG PUB 2004/0049787 A1) and Herz, (U.S. Pat # 5,758,257).

Considering amended claims 151, 156 & 161, the interactive EPG system or method for aiding a user in identifying programs for viewing, comprising user equipment wherein an EPG is

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at least partially implemented is met by Ellis, (Fig 5A & Fig. 7). Ellis, col. 9, lines 1-10 & col. 12, lines 28-52, meets the claimed feature of the TV equipment displaying a current program, while also displaying the EPG.

The additionally claimed feature of the TV equipment allowing the user to sequentially browse program listings for available programming by selectively displaying a display region reads on Ellis. The reference teaches that while in FLIP or BROWSE mode, that the user is enabled to sequence through a list of TV programs, col. 9, lines 31-35; col. 9, lines 61-65 & col. 12, lines 44-50.

The amended claimed feature of the display region being an overlay, and separately displaying each program listing is met by the discussion of Ellis, of the graphic overlay region 111, see col. 12, lines 37-60. Ellis goes on to teach that each program listing, i.e., each particular program is separately displayed on the screen, see Fig. 7-Fig. 8B; Fig. 11A-12A & col. 12, lines 44-67, which meets the claimed subject matter. As for the further claimed feature, 'wherein the display region is an overlay that is displayed while the current program is displayed on the first channel', Ellis teaches that "graphic overlay information that appears in the FLIP mode..., may or may not be the channel currently being viewed by the user", col. 12, lines 28-42, which reads on the further claimed feature.

Regarding the further amended claimed feature of the 'TV equipment configured to limit which program listings are displayed in the display region based only on various program

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attributes of the current TV program', Ellis discloses that while in FLIP mode, the viewer may look at the EPG according to favorite channel lists, col. 10, lines 35-39. Ellis also teaches that the list of programs shown to the user while in BROWSE/FLIP mode may be limited to a particular category of interest, such as Sport, for instance (col. 17, lines 8-20). However, this favorite channel or Category list does not explicitly require that the channels/programs be based only on program attributes of the current program. Nevertheless, Maissel teaches the well known technology of monitoring the programs/channels watched by customers and providing a listing of programs/channels likely to be of interest to the customer based upon a matching of the attributes of the viewed programs and the customer's viewer profile, Para [0031]. However, Maissel goes on to also teach that the intelligent agent 130 stores the characteristics of the current program in a viewer preference profile, and that even though the viewer preference profile may reflect as long as a year or more of viewing, the period of time for monitoring optionally may be set to only a few minutes, which clearly reads on the claimed, 'only the current program', see Para [0122]. Furthermore, Maissel discloses that the user may eliminate old information from the profile, which is additional evidence of the reference meeting the amended claimed feature, Para [0123].

It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Ellis with the technique of providing listing of programs based on the attributes of the current program viewed, for the advantage of accurately estimating which programs the customer would have interest in, as taught by Maissel, Para [0122-0124].

The additionally claimed feature of allowing the user to adjust the relative importance of the various program attributes that are used to limit the displayed program listings reads on the discussion in Maissel that viewers may adjust various aspects of the preference profile, Para [0124-0132]. Regarding the further claimed feature, 'wherein the adjustment of the relative importance is performed by adjusting a weight factor for each program attribute', Maissel teaches that the viewer preference profile may contain information on preference strength, Para [0123], but does not explicitly teach 'adjusting a weight factor', as presently recited in the claim. Nevertheless Herz, which is in the same field of endeavor, discloses at least two instances of a customer adjusting weight factors of characteristics used in filtering programming. First, using the Rave Review technique, subscribers may adjust the preferred level (i.e., weighting) of particular characteristics/attributes of movies, col. 14, lines 20-50. Herz, also discusses in general, that a customer manually changing or modifying weights and values of certain TV programming characteristics, col. 46, lines 6-18. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Ellis & Maissel with the technique of adjusting the importance of TV programming characteristics by using weight factors, at least for the desirable benefit of giving parents/customers more control to limit the viewing of children; see Herz col. 46, lines 10-18.

Considering claims 152, 157, 162 & 203, the claimed subject reads on the disclosure of Maissel, Para [0122-0123].

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Considering claims 153, 158, 163 & 204, the claimed subject matter reads on the subscriber selecting the desired program from the EPG, see Maissel, Para [0202-0204] & Fig. 9A-9C.

Considering claims 154, 159, 164 & 205, the claimed neural network reads on system of Maissel, generating a viewer profile array in software, Para [0122] & [0132] and the calculation/adjustment of the agreement matrix in Herz, using various factors, (col. 30-col. 39).

Considering claim 202, the claimed machine-readable media for use in a system in which an interactive TV EPG is at least partially implemented wherein the media is encoded with machine-readable instructions for performing method steps that correspond with subject matter mentioned above in the rejection of claims 151, 156 & 161, are likewise rejected. Both Ellis (Fig. 1) & Maissel are directed to a computer driven system that discloses the use of machine-readable media to perform the features discussed above in the claims.

*Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

 **HALTRAN**  
**PRIMARY EXAMINER**